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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN,

Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY
OF McMinnville, a Municipal
Corporation; CITY COUNTY INSURANCE
SERVICES TRUST; ROD BROWN, an
individual; PUBLIC SAFETY LIABILITY
MANAGEMENT INC., an Oregon
corporation; WALDO FARNHAM,

Defendant,

Case No.: 3:06 CV 01594-HU

**DEFENDANT FARNHAM'S
RESPONSE TO PLAINTIFF'S
CONCISE STATEMENT OF
FACTS**

Defendant Waldo Farnham responds to Plaintiff's Concise Statement of
Additional Material Facts in Opposition to Defendant Farnham's Motion for Summary
Judgment as follows:

///

1. Accepts the assertions made in the first two sentences. Denies that the cited evidence supports the assertion made in the third sentence.
2. Accepts.
3. Accepts.
4. Accepts the assertions made in the first and third sentences. As to the second sentence, the cited evidence states that Farnham was told that Full was a bit unstable two to three months after McFarlin's employment with the City ended. Accept the remaining assertions in the paragraph.
5. Accepts.
6. Objects to and, thus, denies the assertions in paragraph 6 because it asserts numerous different "facts" in a single paragraph rather than in separately numbered paragraphs (L.R. 56.1(c)); does not provide page or line number references for the cited Affidavit and exhibits that purportedly support each assertion (*id.*), cites "evidence" that does not support the assertions made, and includes inadmissible legal conclusions.

DATED: November 30, 2007

COSGRAVE VERGEER KESTER LLP

/s/ James M. Maldonado

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Trial Attorney: Walter Sweek OSB 620920

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing
DEFENDANT FARNHAM'S RESPONSE TO PLAINTIFF'S CONCISE STATEMENT OF
FACTS on the date indicated below by:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification;

I further certify that said copy was placed in a sealed envelope delivered as
indicated above and addressed to said attorney(s) at the address(es) listed below:

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DATED: November 30, 2007

/s/ James M. Maldonado
James M. Maldonado